

## CHAPTER 3 -PERSONNEL, TRAINING, AND EMPLOYEE RELATIONS

### ARTICLE 2 — HEALTH AND SAFETY PROGRAM

REVISED JANUARY 2008

[Sections 31020.1 through 31020.6.4.13 are unchanged]

#### ~~31020.6.4.14 Light Duty/Limited Term Assignments~~

~~*Revised October 4, 1994*~~

~~Temporary limited term special assignments may be made and shall be governed by Department and State rules and regulations.~~

[Sections 31020.6.4.15 through 31020.7.5.1 are unchanged]

#### **31020.7.5.1.1 Supervisor's Responsibility**

Upon receiving a report of an employee's injury/illness, the supervisor shall:

- Ensure that the employee receives appropriate medical assistance, which involves:
  - First-aid for minor injuries.
  - Inform the doctor of the employee's work duties and ~~any modified duties~~ the Department's Limited Term Light Duty Assignment, herein referred to as Light Duty policy (See DOM Chapter 3, Article 4) which may enable the employee to return to work earlier.
  - Determine whether or not the employee is able to work.
- Prompt medical treatment when necessary.
  - Transportation may include a State vehicle, ambulance or taxi and a designated State representative to accompany the employee for medical treatment.
- The treating physician for the first 30 days shall be selected from the STD Form 621, although in cases of extreme emergencies, the injured shall be transported to any available doctor, hospital, or public medical service.

#### **Serious Injury**

- Notify immediately by telephone the departmental Health and Safety Officer of accidents involving death or serious injury/illness. The Health and Safety Officer shall notify the DIR, Division of Occupational Safety and Health.
- Identify safety hazards and either take action to eliminate or minimize the hazards or if corrective measures exceed the supervisor's authority, report the existing hazard to the local safety coordinator.
- Obtain copies of the 'Fifteen Questions' pamphlet to give to injured employees reporting an occupational injury. The supervisor's review on SCI Form 3067 shall indicate if and when (by date) the 'Fifteen Questions' pamphlet was given to the employee.

#### **Supervisor's Guide**

A supervisor's guide 'Helping Your Injured Employees' which answers many questions concerning workers' compensation benefits is available from the local personnel office, safety coordinator, or the Department's Health and Safety Unit.

#### **Documentation**

- Complete the supervisor's review in detail to indicate all the facts surrounding the injury.
- Include a recommendation for EIDL if the physical injury resulted from inmate/parolee assault.
  - SCIF Form 3067 shall be filed even if the supervisor does not agree with the employee's claim for benefits. The filing of this report is not an admission of liability. However, it does start the Statute of

Limitations running when filed and the employee receives a notice of benefits or the employee's 'Fifteen Questions' pamphlet.

- In all cases of loss of time from work:
  - Maintain personal contact with the employee who is unable to return to work.
  - Arrange for completion of CDC Form 998, Employee's Attendance Report.
  - Discuss return to work with the employee, physician, return-to-work coordinator and other appropriate staff.
  - State on the supervisor's review (in the "comments" section of the CDC Form 998) that the attending doctor was contacted and advised of the availability of modified work assignments, or
  - Explain why contact and light duty discussion did not occur.
- Complete SCIF Form 3067, Employer's Report of Occupational Injury or Illness, within 24 hours after knowledge of the injury or illness. If there is any doubt as to whether the injury was work-related as a result of State employment, the supervisor shall check the appropriate box. Only factual, not subjective, information should be reflected in the supervisor's statements.
- Upon completion, forward the original and six copies to the reviewing officer.
- In those injuries which involve immediate medical assistance from a private physician, complete three copies of SCIF Form 358, Medical Service Order, and distribute this form as follows:
  - Employee - one copy.
  - Supervisor - one copy.
- Workers' Compensation file - one copy.

#### **Physician's Designation**

- Unless the injured employee has on file a previously completed Physician's Designation, CDC Form 912, select the treating physician from the Notice to Employees, STD Form 621.
- Complete Medical Service Order SCIF Form 358, and give to the employee prior to receiving medical care, if possible.

#### **Medical Service Order**

- If the injured employee is not able to return to full duty within five working days from the date of injury, notify the local RTWC immediately.

**[Sections 31020.7.5.1.2 through 31020.7.5.1.3 are unchanged]**

#### **31020.7.5.1.4 General Benefit Delivery – Personnel Transactions**

Upon receipt of SCIF Form 3067, if time is lost beyond the day of the injury or if the employee is treated by a private physician, Personnel shall forward the form to the SCIF Office.

- This form is considered "confidential" and is not automatically made accessible to the injured employee or their attorney or representative. Upon specific request, the employee or their designee shall be given an opportunity to view the completed form in accordance with the provisions of Section 13030 of this manual.
- A separate file is maintained for workers' compensation claims and related material. Access to this file by other staff shall be limited to those who have a "need to know" in order to perform their duties as they relate to the status and processing of the claims.

Injured employees and their representatives are referred to the SCIF office for information.

The Personnel Assistant II shall prepare and maintain these records.

The unit timekeepers shall notify personnel of time lost.

When an employee goes on temporary disability (TD), the local Personnel Transactions Section shall send the employee the following:

- Industrial Disability Benefits Information, STD Form 619, provides the employee with benefit descriptions; i.e., Industrial Disability Leave (IDL), TD, or TD with supplementation.
- Benefit Option Selection, STD Form 618, used by the employee to notify the Personnel Transactions Section of the benefit selected.

### **Employee Response**

The employee has 15 calendar days from the date typed on the STD 618 to notify the Personnel Transactions Section of the benefits selected. If no notification is made, the Personnel Transactions Section shall provide IDL benefits if IDL benefits are greater than TD benefits. If the injured employee is incapable of making decisions for themselves, a guardian/trustee shall be requested.

The employee shall submit CDC Form 998, Employee's Attendance Report, each pay period while on TD, IDL, or Employee Response EIDL.

The injured/ill employee may, after 30 days from the date an injury/illness is reported, exercise the right to be treated by a personal physician/facility within a reasonable geographic area. The employee may, at any time, request of SCIF a change of treating physician if existing treatment is felt to be unsatisfactory.

~~The employee shall accept a medically approved temporary duty assignment when offered. If this duty is refused, IDL, TD, or EIDL benefits may be terminated with ineligibility to receive TD benefits.~~ The injured employee shall participate or cooperate in a reasonable vocational rehabilitation plan or lose entitlement to EIDL or IDL and shall be placed on TD with supplementation (if otherwise eligible). The employee shall have 15 calendar days to notify the Department to supplement TD payments.

**[Sections 31020.7.5.2 through 31020.7.5.2.2.10 are unchanged]**

### **31020.7.6 Return-to-Work Program**

The Department shall make reasonable accommodation to the known physical or mental limitations of handicapped applicants or employees, including persons who become disabled while employed by the Department.

This requires maintenance of an active Return-to-Work (RTW) Program for industrially injured employees, and to the extent possible, those who are disabled as a result of non-industrial factors. This program shall:

- Facilitate the early return to work of injured employees ~~through a temporary duty assignment for medically restricted staff program~~ (see DOM Chapter 3, Article 4, Limited Term Light Duty Assignments).
- Provide a process for rehabilitation, transfer, or other solutions for long-term disability cases.

The goal of the program is to reduce the average number of lost time days resulting from industrial injuries. Attainment of the reduction goals established requires strong RTW committees and accountability of management. Continued effort in reducing time lost from industrial accidents is essential.

#### **31020.7.6.1 Objectives**

Return occupationally injured employees to work as soon as medically possible to departmentally identified positions or develop an alternate plan of employment.

Minimize suffering, financial loss, and time loss because of an employee's occupational injury or illness through a planned, systematic program. The program requires that:

- Employees and supervisors report injuries promptly.
- Employees receive prompt medical attention.
- Communication be maintained between the injured employee and the institution/parole region RTWC and/or the employee's supervisor.
- Temporary ~~modified~~ light duty assignments be ~~identified and provided (when available) within prescribed medical limitations~~ in accordance with the Department's Light Duty policy (see DOM Chapter 3, Article 4).

### **Reduce workers' compensation costs.**

Involve the Departmental Health and Safety Officer, the area RTWC, the immediate supervisor of the injured employee, and the SCIF claims representative in a structured planning process for potential RTW problems and follow-up of long-term disability cases.

The program shall be maintained in all institutions, parole regions, and Central Office.

**[Section 31020.7.6.2 is unchanged]**

### **31020.7.6.3 Area Return-to- Work Program Coordinator's Responsibility**

**Each institution and parole region shall designate an RTWC who shall:**

- Serve as a member of the area RTW committee and work with the appropriate offices of SCIF.
- Schedule RTW council meetings.
- Identify and follow up on compensable injury cases and maintain appropriate monthly records.
- Establish reasonable RTW plans and time frames.
- Involve and advise supervisors and employees in working toward an equitable solution.
- ~~Identify assignments for use of temporarily disabled employees and maintain follow up records of assigned employees.~~
- Maintain and/or ensure that supervisors maintain communications with injured employees.
- Serve as the local early intervention coordinator.
- ~~Use the CMO to assist in the identification of employees assigned to the RTW program.~~

**[Sections 31020.7.6.4 through 31020.7.6.4.4 are unchanged]**

### **~~31020.7.6.5 Temporary Duty Assignments for Medically Restricted Staff~~**

~~Temporary duty assignments for medically restricted staff are:~~

- ~~Positions identified or developed for a limited time period.~~
- ~~For employees with medical restrictions who cannot perform their regular duties.~~
- ~~Assignments which are necessary to local operations.~~

~~Any early return to work for eligible employees, even in a modified capacity, has two major benefits:~~

- ~~The longer employees are off work for medical reasons, the less inclined they are to return to work. Temporary duty assignments, therefore, tend to shorten the time needed to return full time to regular assignments.~~
- ~~Returning employees to work:~~
  - ~~Reduces workers' compensation, industrial disability leave, non-industrial disability leave, disability insurance benefits and sick leave expenditures.~~
  - ~~Results in the completion of projects/assignments normally relegated to a lower priority because of lack of staff.~~

~~The RTWC shall implement and monitor the temporary duty assignment program.~~

#### **31020.7.6.5.1 Eligibility Criteria**

~~Staff with all types of temporary disabilities including, but not limited to, sprains, fractures, pregnancies, back injuries, and stress related disabilities shall be eligible for such temporary duty assignments as are available in keeping with their medical restrictions.~~

~~Eligible staff are those who have received medical clearance for a modified assignment from both their treating physician and the CMO of the institution in which they work or which is nearest their work location if they are P&CSD staff or Central Office staff. Their medical prognosis shall also indicate a reasonable expectation of returning to their regular assignment within 60 days.~~

~~Probationary employees shall not be eligible if they have not worked the required number of days, as specified in SPB Rule 321.~~

~~Priority shall be assigned as follows:~~

- ~~• Those receiving Enhanced Industrial Disability Leave (EIDL), Industrial Disability Leave (IDL), or Temporary Disability (TD) payments in regular positions requiring back-up.~~
- ~~• Those on IDL, EIDL, or TD with no need for back-up.~~
- ~~• Those on extended sick leave.~~
- ~~• Those on NDI.~~

~~In each category, short term injuries/illnesses shall receive first priority.~~

#### **31020.7.6.5.2 Compensation**

~~While on a temporary duty assignment, the employee shall continue to receive the salary commensurate with the regular civil service classification.~~

#### **31020.7.6.5.3 Uniforms**

~~Uniformed staff working in a non-uniformed temporary duty assignment shall not wear their uniforms.~~

#### **31020.7.6.5.4 Refusal of Assignment**

~~Refusal to accept a temporary duty assignment by an eligible individual may result in discontinuance of IDL, EIDL, or TD benefits or placement in a non-pay status.~~

#### **31020.7.6.5.5 Medical Assessment Requirements**

~~Upon returning to work, the employee shall provide a medical release from the treating physician. The release shall detail the medical restrictions placed on the employee's return to work and shall project the time frame for return to full time regular duties.~~

~~The CMO reviews and may concur with the assessment of the treating physician. If the CMO does not concur with the assessment of the treating physician, the CMO, with input as needed from the SPB medical officer, shall then review the case and make a decision regarding the employee's ability to return to work.~~

~~When both medical clearances have been obtained, the RTWC, with input from the employee, the employee's current supervisor, the prospective temporary duty assignment supervisor, the CMO, and other staff as directed by the hiring authority, shall develop an assignment.~~

~~The hiring authority shall review and approve the assignment plan.~~

#### **31020.7.6.5.6 Monthly Medical Status Reports**

~~The employee may be required to obtain monthly medical status reports by the treating physician and the CMO in order to return to full duty as soon as possible or to return to the previous status (IDL, EIDL, TD, NDI, sick leave or leave of absence) if the medical condition worsens.~~

#### **31020.7.6.5.7 Extension of Temporary Duty Assignments**

~~If, after the initial temporary duty period, the employee is still not able to return to full duty, the RTWC may extend the temporary duty assignment as needed, not to exceed a total of 120 calendar days. Extensions shall be granted only when there is medical justification indicating that the employee shall be able to return to full duty by the end of the extension period.~~

~~Only one such temporary duty assignment, not to exceed the maximum allowable time limits, shall be permitted the employee within a 12 month period for each specific disability.~~

#### **31020.7.6.5.8 Monthly Administrative Reports**

~~Temporary duty monthly reports on the prescribed form shall be submitted to the Departmental Health and Safety Officer by the 20th day following the end of each month.~~

#### **31020.7.6.6 Identification of Temporary Duty Assignments**

~~The Institutions Division, P&CSD, and ASD shall identify a reasonable number of temporary duty assignments. Such assignments shall be funded from existing resources consisting of IDL, EIDL, NDI, and sick leave appropriations.~~

The following list provides suggestions for temporary assignments, however, each assignment shall be individually assessed, with an overall consideration for the safety and security of staff, inmates and visitors. Assignments may not be appropriate and no assignment shall be viewed as mandatory.

- Academic/vocational education:
  - Teacher's Aide.
  - Tutor.
  - Curriculum developer.
  - Test corrector.
- Library:
  - Librarian.
  - Typist.
  - Filer.
  - Maintainer of paperwork displays.
  - Shelf reader.
  - Law materials.
  - Book inventory clerk.
- Auto Shop:
  - Parts chaser.
  - Mechanic assistant.
  - Gas pump operator.
- Warehouse:
  - Warehouse telephone operator.
  - Inventory forms clerk.
  - Shelves stocker.
  - Supplies receiver.
- Laundry:
  - Clothes marker.
  - Towel and sheet folder.
- Other:
  - Appeals investigator.
  - Business manager assistant.
  - Captain's clerk.
  - Caseworker assistant.
  - Classification representative assistant.
  - Community resources assistant.
  - Contraband control officer.
  - Control room officer.
  - Culinary assistant.
  - Fire department assistant.
  - Personnel office.
  - Stock clerk.
  - Property officer.
  - Telephone operator.

- ~~Inmate trust office.~~
- ~~Towers/observation posts.~~
- ~~Hospital control desk.~~
- ~~Foyer/front desk.~~
- ~~Visiting room.~~

**[Sections 31020.7.6.7 through 31020.7.7.8 are unchanged]**

### **31020.7.7.9 Return-to-Work Coordinator Responsibility**

#### **The local RTWC shall:**

- Serve as the local coordinator for EI.
- Ensure that ongoing and frequent communications are maintained with injured/ill employees.
- Develop a system to ensure the reporting by supervisors of all injuries or illnesses within 24 hours of occurrence.
- Review all injury/illness reports (SCIF Form 3067) on a weekly basis.
- Make necessary referrals to the EI counselor.
- Maintain frequent contact with the local SCIF adjuster and EI counselor to ensure that decisions are reached regarding injured/ill employees.
- Maintain a log of referrals to the EI counselor including decisions and conclusions regarding each referral.
- Develop a local medical panel, through use of existing community resources in conjunction with the Department's Health and Safety Office and the SCIF adjuster.
- Identify temporary, ~~modified work~~ light duty assignments for the utilization of temporarily disabled employees in accordance with the Department's Light Duty policy.
- Assist with arranging employee placements of temporarily disabled employees.

**[Sections 31020.7.7.10 through 31020.8 are unchanged]**

### **31020.9 Revisions**

The Deputy Director, ~~ASD~~ ORM, or designee shall ensure that the content of this section is accurate and current.

**[Section 31020.10 is unchanged]**